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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA
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10 JERRY LEIGH MILLER,

11 Petitioner,

12 vs.

13 BRIAN WILLIAMS, *et al.*,

14 Respondents.
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) 2:10-cv-02232-RLH-GWF
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ORDER

16 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254,
17 by a Nevada state prisoner.

18 Petitioner's application to proceed *in forma pauperis* (ECF No. 1) is incomplete. The
19 application does not include a financial certificate signed by an authorized prison or jail officer, nor
20 does it provide the necessary financial information regarding petitioner's prison account. The
21 application will be denied on that basis.

22 The Court has reviewed the petition and finds that it fails to state a cognizable claim for
23 habeas relief. Petitioner has failed to complete the habeas corpus petition form, including the date of
24 his conviction, the dates of decision from his state appeals, and other crucial information. The
25 substance of the petition is incomprehensible and fails to state a cognizable habeas corpus claim.
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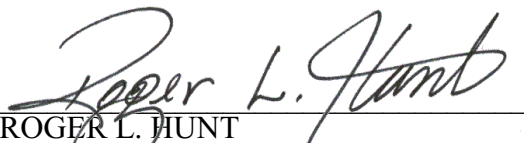
1 Unless an issue of federal constitutional or statutory law is implicated by the facts presented,
2 the claim is not cognizable under federal habeas corpus. *Estelle v. McGuire*, 502 U.S. 62, 68 (1991).
3 A state law issue cannot be mutated into one of federal constitutional law merely by invoking the
4 specter of a due process violation. *Langford v. Day*, 110 F.3d 1380, 1389 (9th Cir. 1996), *cert.*
5 *denied*, 522 U.S. 881 (1997). Petitioner must demonstrate the existence of federal constitutional law
6 which establishes the right in question. In the instant case, petitioner does not allege violation of a
7 federal constitutional right. The petition does not set forth a viable claim for habeas corpus relief
8 and must be dismissed. *See* Rule 4, Rules Governing Section 2254 Cases.

9 **IT THEREFORE IS ORDERED** that petitioner's motion to proceed *in forma pauperis*
10 (ECF No. 1) is **DENIED**.

11 **IT FURTHER IS ORDERED** that this action is **DISMISSED** without prejudice to the
12 filing of a **new petition in a new action**. All pending motions are **DENIED**. The Clerk of the
13 Court shall enter judgment accordingly.

14 **IT FURTHER IS ORDERED** that the Clerk of the Court shall send petitioner two copies of
15 an *in forma pauperis* application form for a prisoner, one copy of the instructions for the same, two
16 copies of a blank 28 U.S.C. § 2254 habeas petition form, and one copy of instructions for the same.
17 **Petitioner may file a new petition in a new action, but he may not file further documents in this**
18 **action.**

19 Dated this ____ 9th day of March, 2011.

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22 ROGER L. HUNT
23 Chief United States District Judge
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